

## MARIHUANA AND DRUG ABUSE \*

### RECOMMENDATIONS OF THE COMMITTEE ON PUBLIC HEALTH NEW YORK ACADEMY OF MEDICINE

In May 1972 the Subcommittee on Drugs and Drug Abuse met to consider the disposition of the Report on Marihuana tabled by the Committee on Public Health in June 1968. That report was compared with the recent report of the National Commission on Marihuana and Drug Abuse, which contains specific recommendations similar to the general positions taken in our 1968 report. A statement comparing the two reports was submitted to the Committee on Public Health in June 1972.

After an extensive debate, the statement was referred back to the subcommittee for further study. The subcommittee added revisions, and the final paper was accepted by the Committee on Public Health on October 2, 1972. It reads as follows:

The committee sees no need to attempt a new review of the marihuana problem of the scope of the 1944 study by the Mayor's Committee on Marihuana. A vast literature has accumulated since then and the National Commission's recent survey provides a comprehensive review. A statement in reaction to the National Commission's report was developed to provide additional guidance to the medical profession and the public on the present medical view of this problem.

Presented here are the recommendations of the National Commission followed by the recommendations of the Committee on Public Health.

#### REPORT OF THE NATIONAL COMMISSION

*The commission recommends the following changes in federal law:*

Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to summary seizure and forfeiture.

Casual distribution of small amounts of marihuana for no

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\*Approved by the Committee on Public Health October 2, 1972.

remuneration, or insignificant remuneration not involving profit, would no longer be an offense.

*Federal law should be supplemented to provide:*

A plea for marihuana intoxication shall not be a defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

*The commission recommends the following uniform statutory scheme for marihuana at the state level:*

Cultivation, sale or distribution for profit and possession with intent to sell would remain felonies (although we do recommend uniform penalties).

Possession in private of marihuana for personal use would no longer be an offense.

Distribution in private of small amounts of marihuana for no remuneration, or insignificant remuneration not involving a profit, would no longer be an offense.

Possession in public of one ounce or under of marihuana would not be an offense, but the marihuana would be contraband subject to summary seizure and forfeiture.

Possession in public of more than one ounce of marihuana would be a criminal offense punishable by a fine of \$100.

Distribution in public of small amounts of marihuana for no remuneration or insignificant remuneration not involving a profit would be a criminal offense punishable by a fine of \$100.

Public use of marihuana would be a criminal offense punishable by a fine of \$100.

Disorderly conduct associated with public use of or intoxication by marihuana would be a misdemeanor punishable by up to 60 days in jail, a fine of \$100. or both.

Operating a dangerous vehicle or instrument while under the influence of marihuana would be a misdemeanor punishable by up to one year in jail, a fine of up to \$1,000. or both, and suspension of a permit to operate such a vehicle or instrument for up to 180 days.

In considering what its own recommendations should be, the Committee on Public Health reviewed the following arguments and questions:

1) There is general agreement that marihuana should not be considered a dangerous addictive drug whose use necessarily precedes or predisposes to heroin addiction. There is heavy support for the contention that its social use is not as physically damaging as the social use of alcohol or tobacco.

2) The relative harmlessness of the use of marihuana is supported by the position of the National Commission that there should be no punishment for its private possession for personal use.

3) The National Commission's action in recommending that private use and possession of marihuana no longer be considered an offense, while failing to provide for a legal means to obtain the drug, is confusing and contradictory. The commission's position is that its approach removes the criminal stigma and threat from a widespread behavior (possession for personal use) while continuing to discourage the use of marihuana.

4) Should our committee recommend governmental control and regulation of marihuana with the drug being made available through specified approved channels? Would such a position signify approval of its use? Would it possibly generate a public health problem? Is there enough scientific certainty about marihuana to justify this stand?

5) Which course (that recommended by the National Commission, or legalization) will more successfully de-emphasize marihuana as an emotional issue?

6) Which will permit effective efforts to reduce irresponsible use of the drug, particularly by youth? Which course will best promote increased research on the drug?

#### RECOMMENDATIONS OF THE COMMITTEE ON PUBLIC HEALTH

After debating these and other issues the committee agreed to support the recommendations of the National Commission on Marihuana and Drug Abuse at this time. Such a position appears justified by the known facts about marihuana, including a consideration of the complex sociolegal issues involved in its use.

The committee recommends, however, that an appropriate agency of government investigate the feasibility of a system of governmental control of the distribution of marihuana. Such a system should assure that the active drug content and purity of marihuana cigarettes would be compatible with its social use. The government should also provide

optimal control of distribution to prevent illegal dissemination and should make advertisement of the product illegal. It also should conduct a continuing educational program to discourage the use of marihuana.

The National Commission will issue a final second report in 1973. At that time, or any time before then, the committee may reconsider its position as scientific research and changing social and cultural factors provide a basis for a revision of the present stand.

The committee recommends further that any remaining legal impediments to active and thorough research on the physiologic effects of the use of marihuana be removed and such research be given a high priority for governmental support.

The committee considered the suggestion that the book on marihuana published in 1944 by the mayor's committee composed mostly of Academy members, now out of print, be republished as a resource for discussion and guidance in the public debates as well as forming a base for the Academy's position. It is suggested that the committee's reaction to the Report of the National Commission could serve as a foreword to the new edition of the book.